

1 **ORDINANCE NO. _____**

2
3 WHEREAS, the Jefferson County Board of Supervisors has heretofore been petitioned to
4 amend the Jefferson County Zoning Ordinance in a manner to assure continued compliance with
5 the State's farmland preservation/working lands law (Chapter 91 of Wisconsin Statutes), and
6

7 WHEREAS, Petition _____ was referred to the Jefferson County Planning and
8 Zoning Committee for public hearing on _____, 2011, and
9

10 WHEREAS, the proposed amendment has been given due consideration by the Board of
11 Supervisors in open session,
12

13 NOW, THEREFORE, BE IT ORDAINED that the Jefferson County Board of
14 Supervisors does amend the zoning ordinance of Jefferson County as follows:
15

16
17 **TEXT AMENDMENT TO TABLE OF CONTENTS**

18
19 **Amend the Table of Contents to:**

- 20 - Add the new A-T Agricultural Transition zoning district.
21 - Add the new Section 11.09(g).
22 - Change the name of the A-2 Agricultural Business district to A-2 Agricultural and Rural
23 Business district.
24 - Renumber pages accordingly
25

26 **TEXT AMENDMENT TO SEC. 11.01, INTRODUCTION**

27
28 **Amend the authority and intent subsections of Sec. 11.01 as follows.**
29

30 **(a) Authority.** These regulations are adopted under the authority granted by various
31 sections of the Wisconsin Statutes, including but not limited to Sections 59.69, 59.692, 59.694,
32 59.696, 59.697, 87.30, 281.31, and Chapters 91, 236, 287, 289 and 823, Wis. Stats. 1999-00, as
33 amended from time to time. Therefore, the County Board of Jefferson County, Wisconsin, does
34 ordain as follows:
35

36 **(c) Intent.** It is the general intent of this Ordinance to regulate and to restrict the use of all
37 structures, lands, shorelands, and waters; regulate and restrict lot coverage, population distribution
38 and density, and the size and location of all structures so as to lessen congestion in and promote the
39 safety and efficiency of the streets and highways; secure safety from fire, flooding, panic, and other
40 dangers; provide adequate light, air, sanitation, and drainage; prevent overcrowding; avoid undue
41 population concentration; facilitate the adequate provision of public facilities and utilities; stabilize
42 and protect property values; further the appropriate use of land and conservation of natural
43 resources; preserve and promote the beauty of the community; prevent and control water pollution;
44 protect spawning grounds, fish and aquatic life; preserve shoreline cover; and implement the
45 Jefferson County Comprehensive Plan, Agricultural Preservation and Land Use Plan as approved
46 ~~by the Jefferson County Board of Supervisors on October 12, 1999 and as may be amended by the~~

County Board from time to time. It is further intended to provide for the administration and enforcement of this Ordinance and to provide penalties for its violation.

TEXT AMENDMENT TO SEC. 11.02, DEFINITIONS

Add new definitions and amend existing definitions in Sec. 11.02 as follows.

Accessory Residential Structure: Any accessory structure that primarily accommodates the sheltered parking of a vehicle or the storage of residential maintenance equipment. Also includes gazebos, swimming pools, greenhouses, and wind and solar energy systems for on-site residential use.

Agricultural Accessory Structure: A building, structure, or improvement that is an integral part of, or is incidental to, an agricultural use on the same farm, subject to normal setback requirements in the associated zoning district. These include, but are not limited to:

- a. A facility used to store or process raw agricultural commodities, all of which are produced on the farm.
- b. A facility used to keep livestock on the farm, subject to other quantitative thresholds within this Ordinance, which may require a conditional use permit if such thresholds are exceeded.
- c. A facility used to store or process inputs primarily for agricultural uses on the farm.
- d. A wind turbine or solar energy facility that collects wind or solar energy on the farm, and uses or transforms it to provide energy primarily for use on the farm.
- e. A manure digester, bio-fuel facility, or other facility that produces energy from materials grown or produced on the farm, primarily for use on the farm.
- f. An Animal Waste Storage Facility, subject to the Jefferson County animal waste management ordinance.
- g. Up to three semi-trailers or truck boxes used for the storage of agricultural equipment, supplies, or products on A-1 zoned property of 35 or more contiguous acres in the same ownership (for the purposes of this provision, a road shall not be considered a divider of contiguity). Normal setbacks and permits shall be required for trailers and truck boxes used for storage of agricultural equipment.

Agricultural Preservation and Land Use Plan: The Agricultural Preservation and Land Use Plan for Jefferson County, Wisconsin, prepared as the County's State-certified farmland preservation plan under Chapter 91 of the Wisconsin Statutes and as a component of the County Comprehensive Plan, which is intended to guide County farmland preservation and land use decision making and may be amended from time to time.

Agriculture-Related Use: An area or facility, whether or not located on a farm, that has at least one of the following as a primary and not merely incidental purpose: providing agricultural supplies, agricultural equipment, agricultural inputs or agricultural services directly to farms; storing, processing, or handling raw agricultural commodities obtained directly from farms; slaughtering livestock; marketing livestock to or from farms; processing agricultural by-products or wastes received directly from farms. Agriculture-related uses include, but are not limited to, agricultural implement sales, storage, and/or repair operations; feed and seed stores

1 and storage facilities (except those accessory to an “Agricultural Use”); commercial raising of
2 fish; fur farms; licensed farm auction operations; greenhouses and garden centers; orchard stores;
3 agricultural waste and by-product disposal facilities (except those accessory to an “Agricultural
4 Use”); game farms or hunt clubs, excluding clubhouses with food and/or beverage services; farms
5 regularly open for tours, demonstrations, hayrides, corn mazes, farm breakfasts, and other similar
6 events. Not included within the “Agriculture-Related Use” land use category for purposes of this
7 Ordinance are facilities intended to convert agricultural products to energy as a principal use and
8 primarily serving entities outside the premises; agricultural chemical dealers and/or storage
9 facilities; commercial dairies; commercial food processing facilities; canning and other food
10 packaging facilities; sawmills; de-barking operations; chipping facilities; and stables.

11
12 **Agricultural Use:** Any of the following activities conducted for the purpose of
13 producing an income or livelihood: crop or forage production; keeping livestock (e.g., bovine
14 animals, equine animals, goats, bison, elk, poultry, sheep, swine, farm raised deer, farm raised
15 game birds, camelids, ratites); beekeeping; nursery, sod, or Christmas tree production;
16 floriculture; forest management; enrolling land in a federal agricultural commodity payment
17 program or a federal or state agricultural land and conservation payment program. Does not
18 include any uses of land otherwise defined under the “Agriculture-Related Use” land use
19 category.

20
21 **Animal Waste Storage Facility:** A manure storage impoundment made by construction
22 embankments, excavating a pit or dugout, or fabricating a structure, including stationary
23 equipment and piping used to load or unload a manure storage facility if the equipment is
24 specifically designed for that purpose and is an integral part of the facility, but not including
25 equipment used to apply manure to land.

26
27 **Bed and Breakfast Establishment:** An indoor lodging facility as defined in Chapter
28 DHS 197 in the Wisconsin Administrative Code, and different from a “Tourist Rooming House”
29 or other lodging facility. Within the A-1 district, shall also be subject to the following
30 limitations:

- 31 a. Be conducted by the owner or operator of the farm.
- 32 b. Require no buildings, structures, or improvements other than a farm residence, an
33 Agricultural Accessory Structure, or both.
- 34 c. Not impair the current or future agricultural use of the farm or of other farmland within
35 a certified farmland preservation zoning district, legally protected from nonagricultural
36 development, or both.

37
38 **Comprehensive Plan:** The Comprehensive Plan of Jefferson County, Wisconsin, as
39 defined and adopted under Wisconsin Statutes, from time to time amended, which is intended to
40 guide the physical development of the County over a 20 year planning period.

41
42 **Family Day Care Home (4-8 children):** An accessory use within an occupied dwelling
43 in which a qualified person or persons provide child care for four to eight children. The care of
44 less than four children is not subject to the regulations of this Ordinance. Family day care homes
45 are also regulated under §66.1017(1)(a) of the Wisconsin Statutes.

1 **Farm:** A parcel or parcels of land where the majority of the land is used for growing
2 farm products, such as vegetables, trees (e.g., orchard), and grain, and/or the raising of the farm
3 animals, from which at least \$6,000 of gross farm revenue in the prior full calendar year (or
4 \$18,000 total over the last 3 years) have been earned or where the land is enrolled in a farm
5 commodity or conservation program, and typically operated as a single business venture distinct
6 from other farms. Also referred to as a “farm operation.”
7

8 **Farm Residence:** A single-family residence located on a farm that meets one of the
9 following criteria:

- 10 a. Is the only residence on the farm; or
11 b. Is occupied by an owner or operator of the farm; or
12 c. Is occupied by an individual who earns more than 50 percent of his or her gross
13 income from the farm.
14

15 **Game Farm:** A facility where wild animals, birds, or fish are raised and/or hunted for
16 food or sport; may include shooting range, retail area, maintenance and repair services related to
17 hunting and fishing.
18

19 **Home Occupation:** Any occupation for gain or support conducted by resident occupants
20 of a premises, entirely in buildings located in the Agricultural A-1, Agricultural A-2, Agricultural
21 A-3, Residential R-1, Residential R-2, Community (C) Districts, or Waterfront (W) Districts,
22 provided the use does not alter the residential or agricultural appearance of the premises, does not
23 produce noise, vibration, light, odor, dust, smoke or other air pollution detectable outside the parcel
24 by persons with normal sensitivities, is not identifiable by an on-premises sign of more than six (6)
25 square feet in area, and there is only one such use on any lot; In zoning districts in which they are
26 allowed, all home occupations shall met the following requirements:

- 27 a. Shall be clearly incidental and secondary to the use of the property for residential
28 purposes.
29 b. Only one such use shall be permitted on any lot.
30 c. Shall not be designed or conducted in a manner that would cause the premises to differ
31 from its residential or agricultural appearance, such as through the use of colors,
32 materials, construction, lighting, or excessive signs or through the production of noise,
33 vibration, light, odor, dust, smoke or other air pollution detectable outside the parcel by
34 persons with normal sensitivities.
35 d. The display, storage, or parking of materials, goods, supplies, or equipment outside is
36 prohibited, except for those vehicles incidental to the principal use of the property.
37 e. One on-premises sign of not more than six (6) square feet in area to advertise the home
38 occupation is permitted.
39 f. Within the A-1 district, the home occupation shall also:
40 d. Be conducted by the owner or operator of the farm.
41 e. Require no buildings, structures, or improvements other than a farm residence, an
42 Agricultural Accessory Structure, or both.
43 f. Not impair the current or future agricultural use of the farm or of other farmland
44 within a certified farmland preservation zoning district, legally protected from
45 nonagricultural development, or both.

- 1 g. Provide only stock-in-trade produced on the premises, such as a roadside stand for the
2 sale of products grown or produced on the premises, or a commercial service
3 delivered on or off the premises.

4
5 ~~A home occupation is **Accessory** if it is conducted entirely within the dwelling by resident~~
6 ~~occupants, does not occupy more than twenty-five (25) percent of the dwelling area, and no stock~~
7 ~~in trade is kept or sold except that made on the premises;~~

8 ~~a. unique to accessory~~
9

10 Where allowed as permitted accessory uses, each **Accessory Home Occupation** shall meet
11 the following additional standards:

- 12 a. Shall be conducted completely within the dwelling.
13 b. Shall occupy no more than twenty-five (25) percent of the dwelling floor area.
14 c. Shall employ no persons besides permanent residents of the premises in the R-1, R-2, C,
15 and W districts and may additionally employ no more than one non-resident employee in
16 all other zoning districts where allowed.
17 d. The business of selling stocks of merchandise, supplies, or products that are kept on the
18 premises shall not be permitted, except for those produced by the home occupation and
19 for small household or personal care products. The direct retail sale of products is not
20 allowed, except for events designed to market small household or personal care products
21 and for persons picking up an order they have placed in advance.
22

23 ~~A home occupation is **Conditional** in the A-1, A-2, or A-3 Districts if it employs no more~~
24 ~~than four (4) employees who resides off premises, or if it is conducted in buildings other than the~~
25 ~~dwelling or involves stock in trade. When occupying accessory building(s) the home occupation~~
26 ~~cannot exceed a total of 1500 sq. ft. of floor area. No outside storage of stock in trade or vehicles,~~
27 ~~or other items related to the occupation is permitted excepting those vehicles incidental to the~~
28 ~~principal use of the property.~~
29

30 Where allowed by conditional use permit, each **Conditional Home Occupation** shall meet
31 the following additional standards (but not those standards exclusive to an Accessory Home
32 Occupation):

- 33 a. Shall be conducted completely within the dwelling, completely within one or more
34 accessory buildings, or both.
35 b. Shall occupy no more than a total of 2,500 sq. ft. of accessory building floor area.
36 c. Shall employ no more than four (4) non-resident employees in addition to permanent
37 residents of the premises.

38
39 **Kennel:** ~~Premises where dogs, cats, or other household pets are maintained, boarded,~~
40 ~~bred, or cared for in return for remuneration or are kept for the purpose of sale. The activity~~
41 ~~described in the preceding sentence is prohibited in any Residential, Community (C), or~~
42 ~~Waterfront (W) District. Use of land in any Agricultural District to keep five (5) or more dogs,~~
43 ~~or use of land in any Residential, Community (C) or Waterfront (W) District to keep three or~~
44 ~~more dogs as household pets (not counting pups below the age of five (5) months constitutes a~~
45 ~~kennel and is prohibited, unless permitted as a conditional use. A premises within which one or~~
46 more of the following activities is conducted:

- a. Dogs, cats, or other household pets are maintained, boarded, bred, kept, or cared for in return for remuneration or for the purpose of sale.
- b. Within any agricultural district, five (5) or more dogs are kept as household pets, not counting pups below the age of five (5) months, unless more are allowed by conditional use permit.
- c. Within any other district, three (3) or more dogs are kept as household pets, not counting pups below the age of five (5) months, unless more are allowed by conditional use permit.

Within the A-1 district, the kennel shall be subject to the following standards:

- a. Be conducted by the owner or operator of the farm.
- b. Require no buildings, structures, or improvements other than a farm residence, an Agricultural Accessory Structure, or both.
- c. Not impair the current or future agricultural use of the farm or of other farmland within a certified farmland preservation zoning district, legally protected from nonagricultural development, or both.

Nonfarm Residence: Any residence that is not a farm residence, as defined in this section.

Non-Prime Agricultural Lands: Class IV through VII soils as defined within the Soil Survey of Jefferson County, Wisconsin and Class III soils that exhibit non-prime agricultural land capabilities comparable to Class IV through VII soils. Also, Class I, II and III soils and other unclassified lands where evidence demonstrates a long-term history of non-cultivation or the presence of physical feature, (e.g. rock outcroppings, upland cover) that limit the potential for use of the land as productive agricultural land, as determined by the Planning and Zoning Committee ~~as part of a request for rezoning.~~

Parcel of Record: All contiguous lands zoned A-1 or A-T under the same ownership and ~~in the A-1 zoning district that existed on February 8, 2000 at the adoption date of ordinances that implement the 1999 Agricultural Preservation and Land Use Plan.~~ Lots created by recorded certified survey map approved by the Planning and Zoning Department since December 13, 1977 are considered separate parcels of record. Parcels of record may contain one or more tax parcels as described by the property tax rolls.

Parent Parcel: All contiguous lands zoned A-1 or A-T and under the same ownership that existed on December 13, 1977. A-1 or A-T zoned ~~lands~~ parcels created by variance before December 13, 1977 are not considered parent parcels. Parent parcels may contain one or more tax parcels as described by the property tax roles.

Prime Agricultural Lands: Class I or II soils as defined within the Soil Survey of Jefferson County, Wisconsin and Class III soils that exhibit prime agricultural land capabilities comparable to Class I and II soils as determined by the Planning and Zoning Committee ~~as part of a request for rezoning.~~

1
2 **Stable:** A building or premises used for the housing, boarding, rent, or lease of riding
3 animals.

4
5 **Stable, Agricultural:** A stable housing less than ten (10) riding animals. Within the A-1
6 district, shall also be subject to the following limitations:

- 7 a. Be conducted as an accessory use to the farm by the owner or operator of the farm.
8 b. Require no buildings, structures, or improvements other than an Agricultural Accessory
9 Structure.
10 c. Not impair the current or future agricultural use of the farm or of other farmland within
11 a certified farmland preservation zoning district, legally protected from nonagricultural
12 development, or both.

13
14 **Stable, Commercial:** A stable housing ten (10) or more riding animals. Within the A-1
15 district, shall be subject to the following limitations:

- 16 d. Be conducted as an accessory use to the farm by the owner or operator of the farm.
17 e. Require no buildings, structures, or improvements other than an Agricultural Accessory
18 Structure.
19 f. Not impair the current or future agricultural use of the farm or of other farmland within
20 a certified farmland preservation zoning district, legally protected from nonagricultural
21 development, or both.

22
23 **Tourist Rooming House:** An indoor lodging facility as defined in Chapter DHS 195 in
24 the Wisconsin Administrative Code. Different from a “Bed and Breakfast Establishment” and
25 other lodging facilities.

26
27 **Waste Storage, Treatment or Disposal:** A land use that includes sites or facilities where
28 solid wastes or hazardous wastes are stored, treated or subject to disposal as defined in Ch. 287 and
29 289, Wisconsin Statutes; waste recycling facilities, commercial or governmental, which in the A-1
30 district must be “consistent with agricultural uses” as defined in Section 91.01(10) of the
31 Wisconsin Statutes; and dumps or landfills as otherwise described in this Ordinance. New or
32 expanded waste storage, treatment, or disposal uses shall not unreasonably burden private or public
33 interests to the satisfaction of the County based on the following considerations:

- 34 a. Whether a waste facility or usage is an appropriate land use, considering land use plans,
35 site factors, neighboring uses and environmental considerations; and
36 b. Safety and security, in relation to dangers of fire, explosion, leakage, hazards through
37 unauthorized entry onto the site, etc.; and
38 c. Pollution of land, air, water, noise, dust, vibration, blowing of refuse, smell, etc.; and
39 d. Damage or excess wear and tear to roads, bridges, etc.; and
40 e. Traffic hazards; and
41 f. Economic injuries; present or potential; through precluding reasonable uses of nearby
42 lands; and reuse plans/potentials after the waste facility ceases operations.

1 **TEXT AMENDMENTS TO SECTION 11.03, GENERAL PROVISIONS**

2
3 **Amend Section 11.03(f)2. as follows.**

4
5 2. Accessory uses and structures are permitted in any zoning district only when the
6 principal structure is present or under construction, except essential services which may precede
7 construction. Except where specifically prohibited, all machinery, equipment, temporary
8 storage, vehicles, construction, and other related materials or activities used in the conduct of a
9 permitted principal, accessory, or conditional use in the applicable zoning district are permitted.
10 These include but are not limited to those vehicles, materials, and activities that may be
11 employed in the day-to-day operation of a farm, if farming is allowed in the associated zoning
12 district.

13
14 **TEXT AMENDMENTS TO SECTION 11.04, ZONING DISTRICTS**

15
16 **Amend Section 11.04(a)1. as follows.**

17
18 1. The Zoning Districts are provided as follows:

- 19
20 a. R-1 Residential-Sewered
21 b. R-2 Residential-Unsewered
22 c. B Business
23 d. I Industrial
24 e. A-T Agricultural Transition
25 f. ~~e.~~ A-1 Exclusive Agricultural
26 g. ~~f.~~ A-2 Agricultural and Rural Business
27 h. ~~g.~~ A-3 Agricultural/Rural Residential
28 i. ~~h.~~ C Community
29 j. ~~i.~~ W Waterfront
30 k. ~~j.~~ S Shoreland-Wetland (Overlay Zone)
31 l. ~~k.~~ N Natural Resources
32 m. ~~l.~~ R/R Residential/Recreational
33

34 **Amend the purpose statement and CERTAIN listed accessory uses in Section 11.04(f)1. as**
35 **follows.**

36
37 **1. R-1 – RESIDENTIAL – SEWERED**

38
39 **Purpose.** To identify those areas where predominantly residential development has
40 occurred or will be likely to occur within the urban service areas and limited service areas as
41 described in the Jefferson County Agricultural Preservation and Land Use Plan. To protect
42 residential neighborhoods by prohibiting uses which will not mix well with homes.

43
44 **Accessory Uses.**

- 45 c. Home occupations, accessory, ~~and~~
46 d. Professional home office.

- 1 ~~d-e.~~ Child care provided in a residence.
2 ~~e-f.~~ Local utilities.
3 ~~f-g.~~ Household pets. (Kennels separately defined, not included here.)
4
5

6 **Amend the purpose statement and CERTAIN listed accessory uses in Section 11.04(f)2. as**
7 **follows.**
8

9 **2. R-2 – RESIDENTIAL – UNSEWERED**
10

11 **Purpose.** To identify non-farm residential areas not served by public sewer. To be applied
12 only within the urban service areas, limited service areas, and rural hamlet areas described in the
13 Jefferson County Agricultural Preservation and Land Use Plan. To ensure that, when used within
14 urban service areas or limited service areas, that the establishment of unsewered development does
15 not unreasonably inhibit future public sewer service. To protect residential neighborhoods by
16 prohibiting uses which will not mix well with homes.
17

18 **Accessory Uses.**

- 19 c. Home occupations, accessory, ~~and~~
20 d. Professional home office.
21 ~~d-e.~~ Child care provided in a residence.
22 ~~e-f.~~ Local utilities.
23 ~~f-g.~~ Household pets. (Kennels separately defined, not included here.)
24 ~~g-h.~~ Growing of field crops.
25
26

27 **Amend the purpose statement in Section 11.04(f)3. as follows.**
28

29 **3. B-BUSINESS**
30

31 **Purpose.** To identify areas appropriate for non-agricultural commercial use ~~outside the~~
32 ~~downtown and community business areas but~~ located within the urban service areas or limited
33 service areas as described in the Jefferson County Agricultural Preservation and Land Use Plan.
34
35

36 **Amend the purpose statement in Section 11.04(f)4. as follows.**
37

38 **4. I-INDUSTRIAL**
39

40 **Purpose.** To identify areas best suited for non-agricultural industrial development because
41 of the location, topography, existing streets, utilities and relationship to other land uses and located
42 within the urban service areas or limited service areas as described in the Jefferson County
43 Agricultural Preservation and Land Use Plan.
44
45
46

1 Amend Section 11.04(f)5. as follows.

2
3 **5. ~~A-1 EXCLUSIVE AGRICULTURAL~~ A-T AGRICULTURAL TRANSITION**

4
5 **Purpose.** To preserve for an unspecified time period in agricultural and open space land
6 use those lands generally located in proximity to developed areas within Jefferson County where
7 future development is in keeping within town, city, village, and/or county plans, and located
8 within 15 Year Growth Areas as described in the Jefferson County Agricultural Preservation and
9 Land Use Plan. The long range goal for agricultural land use within Jefferson County is to
10 preserve the most valuable of all resources, that of fertile land for agricultural pursuits, and to
11 protect the land best suited for farming from premature urbanization. The agricultural district
12 regulations are therefore designed to regulate the use of land and structures within the areas of the
13 county where soil and topographic conditions are best adapted to agricultural pursuits. The
14 agricultural lands best suited for farming and for protection against development are prime
15 agricultural lands as defined in this ordinance and as reflected in the Agricultural Preservation and
16 Land Use Plan. All uses, structures and improvements in this district are restricted to those
17 “consistent with agricultural use” as defined in §91.01(10) Wisconsin Statutes. Any uses that are
18 not “agricultural uses” as defined in §91.01 Wisconsin Statutes but are “consistent with farm
19 family business” shall be conditional uses as described in the ordinance. Any references to
20 Chapter 91 of the Wisconsin Statutes are applicable only as long as the Wisconsin Farmland
21 Preservation Program remains in effect in Jefferson County. Notification is required to the
22 Department of Agriculture, Trade and Consumer Protection (DATCP) for all rezonings in or out of
23 the A-1 zone as required by §91.77(3) Wisconsin Statutes for as long as is applicable. Rezoning
24 out of the A-1 zone may occur consistent with the provisions identified in the Jefferson County
25 Agricultural and Land Use Plan and with findings based upon consideration of the items specified
26 in Section 91.77(1)(a), (b), (c).

27
28 **Principal Uses.**

- 29 a. Agriculture, subject to the limitations under subs. (p) through (r) below.
30 b. Horticulture.
31 c. Dairying, subject to the limitations under subs. (p) through (r) below.
32 d. Beekeeping.
33 e. Livestock raising, subject to the limitations under subs. (p) through (r) below.
34 f. Hatching of fowl, subject to the limitations under subs. (p) through (r) below.
35 g. Nursery.
36 h. Greenhouse.
37 i. ~~Non-commercial~~ Stable, agricultural.
38 j. Truck farm.
39 k. Forest management.
40 l. Game farm.
41 m. Hunt club.
42 n. Roadside stand for the sale of products grown or produced on the premises.
43 o. Existing dwellings that predate the enactment of this ordinance built before January 15,
44 1975 and their replacements, as long as the replacement dwelling is placed within 100
45 feet of the existing dwelling, unless otherwise reviewed and approved by the Planning

- 1 and Zoning Committee. ~~Occupancy in any existing residence in the A-1 zone shall be~~
2 ~~consistent with §91.75(2)(b) Wisconsin Statutes.~~
- 3 p. Feedlot for 150 livestock units or less, ATCP 51 regulated livestock facilities for more
4 than 150 animal units are not permitted in the A-T district [see Section 11.05(d)2].
- 5 q. Fowl and poultry farm housing 10,000 birds or less, ATCP 51 regulated poultry farms
6 housing more than 10,000 birds are not permitted in the A-T district [see Section
7 11.05(d)2].
- 8 r. On parcels with less than 35 acres of contiguous land, only one animal unit ~~is allowed~~
9 per acre, with a minimum of 2 acres required.

11 Accessory Uses.

- 12 a. Essential services.
- 13 b. Accessory uses as listed in the A-3 zoning district, with the exception of ~~letter~~ sub. g.
14 for existing and/or replacement dwellings.
- 15 c. A parcel of land zoned A-T ~~A-1 Exclusive Agricultural~~ can contain and is not limited
16 to equipment used in different types of farming activities at the particular location or
17 on other A-T ~~A-1~~ zoned lands owned or leased by the owners of the parcel in
18 question. This includes construction equipment used in the farming activities;
19 machinery and equipment used in the housing and care of livestock or agricultural
20 production; storage units and associated equipment; feed storage areas such as bunker
21 or pit silos; other such materials as may be employed in the day-to-day operation of
22 agricultural activities, whether or not these items were originally intended for such
23 purposes. Also included is up to three (3) semi-trailers or truck boxes if used for
24 storage of agricultural equipment, supplies or products on A-T ~~A-1~~ zoned property of
25 35 or more contiguous acres (for the purpose of this provision, a road shall not be
26 considered a divider.) Normal setbacks and permits shall apply to these trailers and
27 truck boxes used as storage units. Greater than three (3) semi-trailers or truck boxes
28 utilized for storage shall require a conditional use permit. This section does not apply
29 to licensed semi-trailers that are located on the property for the regular transport of
30 agricultural goods and supplies produced on the particular farm.

32 Conditional Uses.

33 ~~Commercial stable with more than ten animals for the boarding, rental or lease of riding~~
34 ~~animals.~~

35 a. Commercial raising of fish.

36 ~~Feedlot for more than 150 livestock units.~~

37 b. Home occupation, conditional.

38 ~~The housing of fowl for more than 10,000 birds. [Sec. 11.05(d)2] (Non-ATCP51~~
39 ~~regulated facilities.)~~

40 ~~ATCP 51 regulated livestock facilities for more than 150 animal units and poultry farms~~
41 ~~housing more than 10,000 birds [Sec. 11.05(d)3].~~

42 c. Fur farm.

43 d. Public and semi-public uses [see Section 11.05(b)] except those uses listed in Section
44 11.05(b)1.

45 e. Private agri-related airstrips.

1 f. Greater than three (3) semi-trailers or truck boxes utilized for storage of agricultural
2 equipment, supplies or products on ~~A-1~~ A-T zoned property of 35 or more contiguous
3 acres (for the purpose of this provision, a road shall not be considered a divider.)

4 g. Non-metallic mineral extraction use that meets the requirements of Section
5 11.05(c).~~shall only be non-metallic extraction to be considered in the A-1 zone with~~
6 ~~restoration to agricultural use as required by §91.75(9)(2)(b).~~

7 ~~Uses identified as conditional uses in the A-2 District with the exception of residences, golf~~
8 ~~courses, campgrounds, storage of non-farm equipment, trap and skeet shoot, rifle ranges,~~
9 ~~motocross courses, race tracks, festival grounds and clubhouses for such operations,~~
10 ~~clubhouses for game farm or hunt club operations, veterinarian facilities and animal~~
11 ~~hospitals and, within public and semi-public uses, radio and television towers with~~
12 ~~associated buildings and salvage yards.~~

13 ~~An Agri-Business use proposed to be established on a farm parcel as an accessory or~~
14 ~~subordinate use to the dominant farm can occupy only existing buildings and can involve~~
15 ~~only stock in trade produced for sale on the premises and can involve only employees who~~
16 ~~reside on the premises.~~

17 ~~As a condition of approving a conditional use for Agri-Business uses, the Committee must~~
18 ~~find that the proposed use has a necessity to be at the proposed location in light of~~
19 ~~alternative locations available for such uses and that it will not conflict with agricultural~~
20 ~~uses in the vicinity. Conditional uses will be granted only if, in addition to other limitations~~
21 ~~listed in this ordinance, the use is “consistent with agricultural uses” as defined in~~
22 ~~§91.10(10) Wisconsin Statutes, and is found to be necessary in light of alternative locations~~
23 ~~available for such use unless such uses qualify as farm family businesses as described in~~
24 ~~§91.75(8) and also meeting the county home occupation definition.~~

25 h. Public recreational and waste storage, treatment or disposal uses.~~, must be governmental~~
26 ~~owned to be allowed by Conditional Use in the District. It shall be a condition of approving~~
27 ~~a conditional use permit for a new or expansion or alteration activity that the operation is~~
28 ~~accepting wastes generated predominantly in the County or from agricultural agri-business~~
29 ~~areas of adjoining counties and be governmentally owned to be considered in the A-1 zone.~~
30 ~~Waste storage, treatment or disposal includes:~~

31 ~~a. Sites or facilities where solid wastes or hazardous wastes are stored, treated~~
32 ~~or subject to disposal as defined in Ch. 287 and 289, Wisconsin Statutes;~~

33 ~~b. Waste recycling facilities, commercial or governmental. Note: In the A-1~~
34 ~~zone, all such uses described in (1) through (2) shall be “consistent with~~
35 ~~agricultural uses” as defined in §91.01(10) Wisconsin Statutes~~

36 ~~Existing waste storage, treatment or disposal operations shall be required to apply for and~~
37 ~~be issued conditional use permits within one year of the date of this Ordinance. The permit~~
38 ~~shall describe and authorize the existing level and type of operation only. Permits to~~
39 ~~describe and authorize existing operations shall be issued administratively without public~~
40 ~~hearing. Expansions or alterations will require new permits.~~

41
42
43 ~~Standards for deciding applications for conditional use permits for waste storage, treatment~~
44 ~~or disposal uses:~~
45

- ~~(1) Whether a waste facility or usage is an appropriate land use, considering land use plans, site factors, neighboring uses and environmental considerations; and~~
- ~~(2) Safety and security, in relation to dangers of fire, explosion, leakage, hazards through unauthorized entry onto the site, etc.; and~~
- ~~(3) Pollution of land, air, water, noise, dust, vibration, blowing of refuse, smell, etc.; and~~
- ~~(4) Damage or excess wear and tear to roads, bridges, etc.; and~~
- ~~(5) Traffic hazards; and~~
- ~~(6) Economic injuries; present or potential; through precluding reasonable uses of nearby lands; and reuse plans/potentials after the waste facility ceases operations.~~

~~———— The County must be satisfied that the operation will not unreasonably burden private or public interests because of the above factors.~~

Minimum Lot Area. Thirty-five (35) acres with the following exceptions of:

- (1) A one (1) acre to five (5) acre lot for farm consolidation for an existing residence and associated accessory structures is permitted if the residence in question was constructed prior to the enactment of the January 15, 1975 Zoning Ordinance and existed on or after this date even if subsequently replaced with a newer home and the parcel remaining contains a minimum of thirty-five (35) contiguous acres. Between three (3) and five (5) acres shall be considered by the Planning and Zoning Committee, at a regularly scheduled Committee meeting, if necessary to accommodate existing driveways and/or existing structures, and if the town board approved the preliminary certified survey map. All provisions of the A-3 Agricultural/Rural Residential District are applicable to the farm consolidation parcel created. ~~(Note: Lots created as a result of farm consolidation are exempt from the payback provisions of the Wisconsin Farmland Preservation Program described in Wisconsin Statutes, Chapter 91, unless changed.)~~
- (2) Parcels of less than thirty-five (35) acres which existed prior to January 15, 1975.
- (3) Parcels of less than thirty-five (35) acres which are a result of a zoning district amendment to the official Zoning Map of Jefferson County. A-TA-1 zoned lands transferred from a parcel of record after ~~the adoption of these ordinance provisions~~ February 8, 2000 shall not be used to create A-3 lots or in the calculation of the number of A-3 lots available.

Minimum Width. Two hundred (200) feet.

Minimum Depth. Two hundred (200) feet.

Minimum Frontage. All lots shall front on a public road for a minimum distance of at least sixty-six (66) feet. Access to the lot shall be provided within this frontage.

1
2 **Minimum Yards.** Front - Section 11.07(d)2. Rear - 20 feet. ~~(ATCP 51 setbacks may~~
3 ~~differ)~~ Side - 20 feet each, providing that agricultural structures do not exceed in height twice their
4 distance from the nearest lot line.

5
6 **Maximum Building Height.** ~~Three (3) stories or~~ Thirty-five (35) feet, except see Section
7 11.07(a)2 for height standards for agricultural structures.
8
9

10 **Renumber the current Section 11.04(f)(6) as the new Section 11.04(f)(7), the current**
11 **Section 11.04(f)(7) as the new Section 11.04(f)(8), the current Section 11.04(f)(8) as the new**
12 **Section 11.04(f)(9), the current Section 11.04(f)(9) as the new Section 11.04(f)(10), the**
13 **current Section 11.04(f)(10) as the new Section 11.04(f)(11), the current Section**
14 **11.04(f)(11) as the new Section 11.04(f)(12), and the current Section 11.04(f)(12) as the new**
15 **Section 11.04(f)(13).**
16

17 **Create a new Section 11.04(f)(6) as follows.**
18

19 **6. A-1 EXCLUSIVE AGRICULTURAL**

20

21 **Purpose.** The long range goal for agricultural land use within Jefferson County is to
22 preserve the most valuable of all resources, that of fertile land for agricultural pursuits, and to
23 protect the land best suited for farming from premature urbanization. The A-1 Exclusive
24 Agricultural district is intended to promote continued agricultural uses on the best quality
25 agricultural land; protect and encourage long-term investments in food, fiber, and other resource-
26 related production; be a state-certified farmland preservation zoning district to maintain property
27 owner eligibility in the State's farmland preservation tax credit program in conjunction with the
28 Agricultural Preservation and Land Use Plan; preserve rural character and manage nonfarm
29 development; and provide reasonable opportunities for agriculturally-related businesses and
30 home occupations. The Exclusive Agricultural zoning district may be utilized only in areas
31 designated as Agricultural Preservation Areas within the Jefferson County Agricultural
32 Preservation and Land Use Plan. Rezoning out of the A-1 district may occur only after the
33 County Planning and Zoning Committee conducts a public hearing and makes findings as specified
34 in §91.48(1)(a) of the Wisconsin Statutes, as articulated in Section 11.11(c) of this Ordinance.
35 Rezoning to the A-3 district under the associated policies of that district and the Agricultural
36 Preservation and Land Use Plan is the only way that new housing may be built on lands currently
37 zoned A-1, except for replacement of certain farm residences as authorized by this section.
38

39 **Permitted Principal Uses.**

- 40 a. Agricultural use, subject to the following limitations:
- 41 1. Each feedlot may not exceed 150 livestock units [see Section 11.05d(1) non
 - 42 ATCP-regulated facility].
 - 43 2. Each fowl or poultry farm shall house 10,000 birds or less [see Section 11.05d(1)
 - 44 non ATCP-regulated facility].
 - 45 3. Each ATCP 51 regulated livestock facility shall have 150 animal units or less [see
 - 46 Section 11.05d(2)].

- b. Undeveloped natural resource or open space area.
- c. Transportation, utility, communication, or other use that is required under state or federal law to be located in a specific place, or that is authorized to be located in a specific place under a state or federal law that preempts the requirement for a conditional use permit.

Permitted Accessory Uses.

- a. Existing farm residence built before January 15, 1975 or its replacement, as long as the replacement farm residence is placed within 100 feet of the residence built before January 15, 1975, unless otherwise approved by the Planning and Zoning Committee.
- b. Accessory residential structure to a farm residence listed under sub. a above.
- c. Agricultural accessory structure.
- d. Stable, agricultural.
- e. Home occupation, accessory.

Conditional Uses.

- a. Agricultural use that exceeds one or more of the limitations under the Agricultural Use listing in the Principal Uses section above, including:
 - 1. A feedlot for more than 150 livestock units [see Section 11.05d(1) non ATCP-regulated facility].
 - 2. The housing of fowl for more than 10,000 birds [see Section 11.05(d)1 Non-ATCP 51 regulated facilities].
 - 3. An ATCP 51 regulated livestock facility for more than 150 animal units or a poultry farm housing more than 10,000 birds [see Section 11.05(d)2].
- b. Agricultural-related use.
- c. Bed and breakfast establishment.
- d. Home occupation, conditional.
- e. Kennel.
- f. Stable, commercial.
- g. Non-metallic mineral extraction use that meets the requirements of Section 11.05(c).
- h. Transportation, communication, pipeline, electrical transmission, utility, or drainage use that qualifies under §91.46(4) of the Wisconsin Statutes.
- i. Greater than three (3) semi-trailers or truck boxes used for the storage of agricultural equipment, supplies, or products on A-1 zoned property of thirty-five (35) or more contiguous acres in the same ownership (for the purposes of this provision, a road shall not be considered a divider of contiguity). Normal setbacks and permits shall be required for trailers and truck boxes used for storage of agricultural equipment.

Minimum Lot Area. Thirty-five (35) acres, with the following exceptions and qualifiers:

- a. A-1 lots created around a residence constructed before January 15, 1975 as a result of a farm consolidation certified survey map recorded between January 15, 1975 and [insert date of County Board adoption of zoning ordinance amendment], with such lots instead having a minimum lot area of one acre. (Farm consolidation lots for certified survey maps recorded after [insert date of County Board adoption of zoning ordinance amendment] are still allowed, but require rezoning to the A-3 district.)

- b. Parcels of less than thirty-five (35) acres which existed prior to January 15, 1975, with such parcels instead having a minimum lot area equal to their lot area on January 15, 1975.
- c. On parcels with less than thirty-five (35) acres of contiguous land under common ownership, only one animal unit is allowed per acre, with a minimum of 2 acres required to house animal units.
- d. A-1 zoned lands transferred from a parcel of record to another after February 8, 2000 shall not be used to create A-3 lots or in the calculation of the number of A-3 lots available under the policies expressed in this Ordinance or the Agricultural Preservation and Land Use Plan.

Minimum Width. Two hundred (200) feet.

Minimum Depth. Two hundred (200) feet.

Minimum Frontage. All lots shall front on a public road for a minimum distance of at least sixty-six (66) feet. Access to the lot shall be provided within this frontage.

Minimum Yards. Front – See Section 11.07(d)2. Rear – 20 feet. Side – 20 feet each, providing that agricultural structures do not exceed in height twice their distance from the nearest lot line. (ATCP 51 setbacks may differ.)

Maximum Building Height. Thirty-five (35) feet, except see Section 11.07(a)2 for height standards for agricultural structures.

Amend the title, purpose, maximum building height, and CERTAIN listed components of the principal uses and conditional uses sections of the current Section 11.04(f)6 [the new Section 11.04(f)7] as follows.

7. A-2 AGRICULTURAL AND RURAL BUSINESS ~~Agriculturally-Related~~
~~Manufacturing, Warehousing and Marketing District.~~

Purpose. ~~The purpose of this district is~~ To provide for the proper location and regulation of manufacturing, storage warehousing and related marketing or industrial activities that are related to the agricultural industry and otherwise suited to a relatively isolated, rural location. ~~These uses~~ This district may be considered within the Agricultural Preservation Areas, Rural Hamlet areas, Urban Service Areas, and Limited Service Areas ~~Environmental Corridor sections of as described in~~ the Jefferson County Agricultural Preservation and Land Use Plan. Uses listed for the A-2 district involve fixed locations, year-round or seasonal. A listed use that is mobile, moving from farm to farm, is not regulated. A site may have a conditional use without the primary use being established.

Principal Uses.

a. Agriculture.

b. Horticulture.

- 1 c. Dairying.
2 d. Beekeeping.
3 e. Livestock raising.
4 f. Hatching of fowl.
5 g. Nursery.
6 h. Greenhouse.
7 i. ~~Non-commercial~~ Stable, agricultural.
8 j. Truck farm.
9 k. Forest management.
10 l. Game farm.
11 m. Hunt club.
12 n. Roadside stand for the sale of products grown or produced on the premises.
13 o. Existing dwelling built before January 15, 1975 that predates the enactment of this
14 ~~ordinance~~ and its replacement, as long as the replacement dwelling is placed within 100
15 feet of the existing dwelling, unless otherwise reviewed and approved by the Planning
16 and Zoning Committee.
17 p. On parcels with less than 35 acres of contiguous land, only one animal unit is allowed
18 per acre, with a minimum of 2 acres required.

19
20 **Conditional Uses.**

- 21 a. Residences will be occupied by a person who, or a family of which one adult member,
22 earns a majority of his/her gross income from conducting the farm operations on the parcel
23 or parcels in close proximity. Substantial evidence shall be provided to the Committee
24 documenting the intended agricultural use. A-2 Agricultural and Rural Business District
25 rezonings for farm labor housing would count against the total number of A-3 lots available
26 for the parent parcel. Multi-family housing for farm labor is considered as a conditional
27 use under this provision.
28 ee. Home occupation, conditional.
29 nn. Stable, commercial.

30
31 **Maximum Building Height.** Thirty-five (35) feet, except see Section 11.07(a)2 for height
32 standards for agricultural structures.

33
34
35 **Amend the certain components of the purpose, principal uses, accessory uses, conditional**
36 **uses, maximum lot area, and maximum building height sections of the current Section**
37 **11.04(f)7. [the new Section 11.04(f)8] as follows.**

38
39 **8. A-3 AGRICULTURAL/RURAL RESIDENTIAL**

40
41 **Purpose.** The purpose of the A-3 Agricultural/Rural Residential District is to allow limited
42 rural residential development on lands in predominantly agricultural areas that are not suited for
43 agricultural production or, due to the proposed location, would have limited impact on agricultural
44 production. Lots are limited in number, size and location to minimize the impacts associated with
45 rural residential development. Residents of this district may experience conditions associated with
46 farming that are not necessarily compatible with rural residential use. This district may be

considered within the Agricultural Preservation Areas, Rural Hamlet areas, Environmental Corridor overlay, ~~and~~ Urban Services Areas, and Limited Service Areas, as described in the Jefferson County Agricultural Preservation and Land Use Plan sections of the plan. Within planned Agricultural Preservation Areas, the number of A-3 lots created from a parcel of record shall be limited per the associated policies within that Plan.

Principal Uses.

d. Stable, agricultural.

Accessory Uses.

~~d. Home occupations, and professional home office;~~ accessory.

e. Professional home office.

~~f~~ e. Home child care.

~~g~~ f. Household pets.

~~h~~ g. Raising/keeping of farm animals provided that parcel is 2.0 acres or larger and number of animals will not exceed one animal unit per 1.0 acre.

~~i~~ h. Growing of field crops.

~~j~~ i. Roadside stands.

~~k~~ j. Local utilities.

Conditional Uses.

h. Stable, commercial.

Maximum Lot Area. Two (2) acres, with the following possible exceptions and qualifiers:

a. with Possible lot combinations under the policies for creation of A-3 lots within this Ordinance and the Agricultural Preservation and Land Use Plan, which may allow for larger area in non-prime and prime agricultural land lots (i.e., e.g., one six-acre lot may be substituted for three two-acre lots in non-prime agricultural land or one four-acre lot may be substituted for two two-acre lots in prime agricultural lands upon Planning and Zoning Committee and County Board approval). A lot combination may be considered by the Committee in an environmental corridor if enough non-prime agricultural land is available, even though the maximum number of lots may have been reduced due to environmental corridor density provisions described in A-3 Maximum Number of Lots section.

b. A lot of greater than two (2) acres in area shall be considered by the Planning and Zoning Committee if necessary to accommodate a dwelling built before February 8, 2000 and its driveway and accessory structures, if the town board first approves the preliminary certified survey map. ~~Acreage may be exceeded for existing homes and associated driveways that predate this provision if necessary to accommodate the home, upon town and County Board approval. In such cases,~~ lot area around the home dwelling and accessory structures shall not exceed the maximum acreage allowed by this section.

c. A lot of up to five (5) acres in area may be considered by the Planning and Zoning Committee in association with a farm consolidation for an existing residence and associated accessory structures, if the residence in question was constructed prior to January 15, 1975 (or was subsequently replaced with a newer home) and the parcel

1 remaining contains a minimum of thirty-five (35) contiguous acres and continues to be
2 zoned A-1.

3
4 **Maximum Building Height.** Thirty-five (35) feet, except see Section 11.07(a)2 for height
5 standards for agricultural structures.

6
7
8 **Amend the purpose statement and CERTAIN listed accessory uses and conditional uses in**
9 **the current Section 11.04(f)8. [the new Section 11.04(f)9.] as follows.**

10
11 **9. C - COMMUNITY**

12
13 **Purpose.** To identify those areas which have traditionally serviced the nearby farms and
14 residences, but were not legally incorporated into villages or cities. To recognize that these older
15 communities have mixed their residential, commercial and farming uses. The Community zoning
16 district shall be utilized in Rural Hamlet areas and Urban Limited Service Areas ~~policy sections~~ as
17 described in ~~of~~ the Jefferson County Agricultural Preservation and Land Use Plan.

18
19 **Accessory Uses.**

20 c. Home occupations, accessory.

21
22 **Conditional Uses.**

23 k. ~~Conditional~~ Home occupations, conditional.

24
25
26 **Amend the current Section 11.04(f)11. [the new Section 11.04(f)12.] as follows.**

27
28 **11. N - NATURAL RESOURCE**

29
30 **Purpose.** To identify those areas where development is prohibited due to ground water,
31 the presence of significant wildlife habitat and natural vegetation or the need to protect water
32 quality. To allow for low impact agricultural uses, generally those which predated zoning to the
33 N district, To be a state-certified farmland preservation zoning district to maintain property
34 owner eligibility in the State's farmland preservation tax credit program in conjunction with the
35 Agricultural Preservation and Land Use Plan. All applicable sections of the Agricultural
36 Preservation and Land Use Plan shall be evaluated in determining a rezoning to this district.
37 Rezoning out of the N district may occur only following the County Planning and Zoning
38 Committee conducts a public hearing and makes findings as specified in §91.48(1)(a) of the
39 Wisconsin Statutes, as articulated in Section 11.11(c) of this Ordinance.

40
41 **Permitted Principal Uses.**

- 42 a. Undeveloped natural resource and open space area, including public lands ~~Parkland and~~
43 recreational use such as hunting, fishing, hiking, and ~~wild crop harvesting.~~
44 b. Raising of waterfowl, fish, or other wildlife, including necessary non-residential
45 buildings serving the use.

- 1 c. The harvesting of wild crops, such as marsh hay, ferns, moss, wild rice, berries, tree
2 fruits and tree seeds, in a manner that is not injurious to the natural reproduction of such
3 crops.
4 d. The practice of silviculture, including the planting, thinning and harvesting of timber.
5 Forestry practices.
6 e. Other activities and uses which do not require the issuance of a zoning permit and
7 which must be carried out without filling, flooding, draining, dredging, ditching,
8 tiling or excavating.
9

10 **Permitted Accessory Uses.**

- 11 a. Essential services.
12 b. Agricultural accessory structure. ~~Boathouse, dock, pier.~~
13

14 **Conditional Uses.**

- 15 a. An agricultural use not listed as a Principal Use in the N district practices, except for:
16 1. A feedlot for more than 150 livestock units.
17 2. The housing of fowl for more than 10,000 birds [see Section 11.05(d)1 Non-
18 ATCP 51 regulated facilities].
19 3. ATCP 51 regulated livestock facilities for more than 150 animal units and poultry
20 farm housing more than 10,000 birds [see Section 11.05(d)2].
21 b. Watercourse relocation, filling, draining, dredging that qualifies under §91.46(4) of the
22 Wisconsin Statutes.
23 c. Dam, hydroelectric plant that qualifies under §91.46(4) of the Wisconsin Statutes.
24

25 **Minimum Lot Area.** Two (2) acres.

26 **Minimum Width.** One hundred (100) feet.

27 **Minimum Depth.** One hundred (100) feet.

28 **Minimum Yards.** Front - Section 11.07(d)2. Rear - 75 feet. Side - 75 feet each.

29 **Maximum Building Height.** ~~Three (3) stories or~~ Thirty-five (35) feet, except see Section
30 11.07(a)2 for height standards for agricultural structures.
31

32 **Amend certain provisions of the purpose statement, accessory use, and minimum lot area**
33 **sections in the current Section 11.04(f)12. [the new Section 11.04(f)13.] as follows.**
34

35 **13. R/R - RESIDENTIAL/RECREATIONAL**

36 **Purpose.** To identify those areas where predominantly recreational development has
37 occurred or will be likely to occur, generally in accordance 15 Year Growth Areas, Urban Service
38 Areas, Limited Service Areas, and Rural Hamlet Areas as described within the Agricultural
39 Preservation and Land Use Plan. This zoning is appropriate within areas described under the
40 Urban Service Areas policy or Rural Hamlet policy section of the plan. Due to soils types,
41

1 agricultural productivity class, topographic conditions, and adjacent uses, the area would be best
2 suited to sparse residential and recreational development rather than intensive agricultural
3 development.

4
5 **Accessory Use.** Essential services. Home occupation, accessory, and Professional home
6 office. Private garage or parking areas.

7
8 **Minimum Lot Area:** ~~Appendix A.~~ Sewered lots: 10,000 square feet. Unsewered lots:
9 20,000 square feet.

11 TEXT AMENDMENT TO SECTION 11.05, CONDITIONAL USES

12 Create a new Section 11.05(b)7 as follows.

13
14
15
16 7. All governmental, institutional, religious, or nonprofit community use shall meet the
17 requirements of §91.76(5) of the Wisconsin Statutes.

18 Amend Section 11.05(c) as follows.

19
20
21 **(c) Mineral Extraction and Processing.** Mineral extraction and processing operations are
22 conditional uses, and include mining, quarrying, borrow pits, crushing, washing, or other removal
23 or processing of mineral resources, the erection of buildings and the installation of necessary
24 machinery used in said extraction or processing, and the preparation of hot blacktop mix and
25 ready-mixed concrete.

26
27 1. In the A-1 district, the operation and its location shall be consistent with the purposes of
28 the A-1 district and are reasonable and appropriate, considering alternative locations outside the A-
29 1 district, or are specifically approved under state or federal law.

30
31 2. The operation shall be designed to minimize the conversion of land around the extraction
32 site from agricultural use or open space use.

33
34 3. The operation shall not substantially impair or limit the current or future agricultural use
35 of surrounding parcels of land that are zoned for or legally restricted to agricultural use.

36
37 4. 4. No such operation shall commence, no such operation shall be expanded onto land
38 under separate ownership on the effective date of this Ordinance, and no operation which has been
39 abandoned for a period of twelve (12) months or longer shall be renewed, except in compliance
40 with the provisions of this section and after a conditional use permit has been obtained.

41
42 5. The operation shall comply with subchapter I of §295 of the Wisconsin Statutes and
43 rules promulgated under that subchapter, with applicable provisions of the local ordinance under
44 §295.13 of the Wisconsin Statutes.

1 ~~6. 2.~~ Application for the conditional use permit shall include an adequate description of the
2 proposed operation; a list of equipment, machinery, and structures to be used; the source, quantity,
3 and disposition of any water which will be used; a topographic map of the site showing existing
4 contours with minimum vertical contour intervals of two (2) feet, trees and other ground cover,
5 proposed and existing roads, and all buildings and property owners' names within five hundred
6 (500) feet of the site boundaries; the depth of all existing and proposed excavations; and a
7 restoration plan.

8
9 ~~7. 3.~~ The restoration plan shall contain adequate provision that all final slopes within the
10 site do not exceed a thirty-five (35) percent slope in a pit operation, or in a safe angle of repose in a
11 quarrying operation. All final slopes shall be covered with topsoil, with seeding and erosion
12 control practices as indicated in the Jefferson County Soil and Water Conservation District
13 Technical Manual. After completion of the operation, the area shall be cleared of all debris and left
14 in a sanitary condition. The plan shall indicate the proposed future use of the site and meet all
15 applicable requirements of the Department of Transportation. If located in the A-1 district, the site
16 shall be restored to agricultural use once extraction is completed.

17
18 The applicant shall furnish the sureties which will enable the County to perform the
19 planned restoration of the site in the event of default by the applicant. The amount of such sureties
20 shall be based upon reasonable cost estimates, and the form and type of such sureties shall be
21 approved by the County's legal counsel.

22
23 ~~8. 4.~~ The conditional use permit shall be in effect for a specified period of time, but not less
24 than one (1) year nor more than ten (10) years. It may be renewed upon application, at which time
25 additional conditions or modifications may be imposed.

26
27 ~~9. 5.~~ The Committee shall consider the effect of the proposed operation upon existing
28 streets, neighboring development, proposed land use, drainage, water supply, soil erosion, natural
29 beauty, character, and land value of the locality, and shall also consider the practicality of the
30 proposed restoration plan for the site.

31
32 ~~10. 6.~~ Excavating and other operations and activities producing noise, smoke, or dust shall
33 not take place within three hundred (300) feet of a residence, or within five hundred (500) feet of a
34 school or institution.

35
36 ~~11. 7.~~ No excavation shall take place within fifty (50) feet of a lot line.

37
38 ~~12. 8.~~ Screening in accordance with 11.07(c) shall be required.

39
40
41 **Amend the title paragraph of Section 11.05(d) as follows.**

42
43 **(d) Fowl and Feedlot Facilities (Non-ATCP51 Livestock Facilities), Wisconsin**
44 **Administrative Rule ATCP 51 Livestock Facilities.** Pursuant to the provisions of §93.90 of the
45 Wisconsin Statutes, Jefferson County does hereby adopt and incorporate into this section the
46 provisions of §93.90 of the Wisconsin Statutes and ATCP 51 of the Wisconsin Administrative

1 Rules inclusive of all future amendments to any provisions of these sections of Wisconsin Statutes
2 and Administrative Rules.

3
4
5 **Amend Section 11.05(h)(4) as follows:**

6
7 **(4) Areas Permitting Telecommunication Facility Location With Conditional Use**
8 **Approval.** Telecommunications facilities may be permitted in the following zoning districts,
9 subject to conditional use review and approval by the Jefferson County Planning and Zoning
10 Committee, and in compliance with all other applicable sections of this Ordinance:
11

- 12 a. A-T
13 ~~1.~~b. A-1, provided that each such use qualifies under §91.46(4) of the Wisconsin Statutes.
14 ~~2.~~c. A-2
15 ~~3.~~d. A-3
16 ~~4.~~e. B
17 ~~5.~~f. I
18 ~~6.~~g. C
19 ~~7.~~h. R/R
20
21

22 **TEXT AMENDMENT TO SECTION 11.09, NONCONFORMING USES, STRUCTURES,**
23 **AND LOTS**

24
25 **Create new Section 11.09(g) as follows.**

26
27 **(g) Non-farm residences within the A-1 District.** Residences within the A-1 district
28 legally constructed before January 15, 1975, but not defined as a farm residence under Section
29 11.02, may continue as prior nonconforming uses, and shall not be subject to any standard or
30 limitation under Section 11.09, except for the following:
31

32 1. If such a nonconforming use is discontinued, vacated, or otherwise terminated for a
33 period of twelve (12) months, any future use of the structure shall conform to the provisions of this
34 Ordinance.
35

36 2. Where such a nonconforming use is damaged by fire, explosion, flood, the public
37 enemy, or other calamity, or is dismantled for the purpose for the purpose of reconstruction, it may
38 be restored or replaced, as long as the replacement residence is placed within 100 feet of the
39 residence built before January 15, 1975.
40
41
42

1 **TEXT AMENDMENT TO SECTION 11.10, SHORELAND PROVISIONS**

2
3 **Amend Section 11.10(b) as follows.**

4
5 **(b) Districts.** The following districts shall be permitted within the shoreland area to the
6 extent that they are not prohibited by any other ordinance provisions. Districts are specifically
7 described in Section 11.04(f) of this ordinance. The floodplain provisions are described in
8 Jefferson County Floodplain Ordinance No. 14. Districts are:

- 9
10 1. R-1 Residential - Sewered
11 2. R-2 Residential - Unsewered
12 3. B-Business
13 4. I-Industrial
14 5. A-T Agricultural Transition
15 ~~6. 5. A-1 Exclusive Agricultural~~
16 ~~7. 6. A-2 Agricultural and Rural Business~~
17 ~~8. 7. A-3 Agricultural/Rural Residential~~
18 ~~9. 8. C-Community~~
19 ~~10. 9. W-Waterfront~~
20 ~~11. 10. S-Shoreland - Wetland (Overlay Zone)~~
21 ~~12. 11. N-Natural Resource~~
22 ~~13. 12. R/R-Residential/Recreational~~

23
24
25 **TEXT AMENDMENT TO SECTION 11.11, ADMINISTRATION AND ENFORCEMENT**

26
27 **Amend Section 11.11(c) as follows.**

28
29 **(c) Amendment Procedures.** Amendments: The Jefferson County land use ordinances
30 are adopted by the County Board and may be amended by the County Board. State law prescribes
31 how amendments are processed. Five major steps occur:

- 32
33 1. A hearing is held by the County Planning and Zoning Committee;
34
35 2. The Planning and Zoning Committee reviews the proposed amendment and makes
36 recommendations to the County Board;
37
38 3. The County Board votes on the proposal;
39
40 4. In the case of amendments to general zoning outside shoreland and floodplain areas, the
41 affected town board can veto an amendment adopted by the County Board;
42
43 5. The amendment is published and recorded.

44
45 In addition, persons owning lands proposed to be subject to zoning amendment or owners
46 of abutting property can file a "protest" which requires a three-fourths vote of the County Board to

1 approve the proposed amendment. All of these procedures are subject to detailed statutory rules of
2 §59.69 Wisconsin Statutes, which are adopted herein by reference. The Zoning Administrator
3 shall create and maintain a current summary of the statutory procedures for interested persons.
4

5 **Standards for Rezoning from the A-1 Exclusive Agricultural and N Natural Resource**
6 **Districts:** ~~Decisions on petitions for rezoning of areas in the A-1 Exclusive Agricultural District to~~
7 ~~other districts shall consider the following as interpreted by utilizing the Jefferson County~~
8 ~~Agricultural Preservation and Land Use Plan:~~ Land that is zoned A-1 Exclusive Agricultural or N
9 Natural Resource may be rezoned to a zoning district that is not a certified farmland preservation
10 zoning district if all of the following additional criteria are met (some of which are based on
11 §91.48 of the Wisconsin Statutes):
12

- 13 (a) The land is better suited for a use not allowed in the A-1 or N district.
- 14 (b) The rezoning is consistent with the County Comprehensive Plan.
- 15 (c) The rezoning is substantially consistent with the Jefferson County Agricultural
16 Preservation and Land Use Plan.
- 17 (d) The rezoning will not substantially impair or limit current or future agricultural use of
18 surrounding parcels of land that are zoned for or legally restricted to agricultural use.
- 19 (e) ~~Availability of~~ There will be adequate public facilities to serve the proposed and
20 potential land use changes that would be enabled by the rezoning.
- 21 (f) ~~Reasonableness of~~ The burdens on local government for providing the needed services
22 to the proposed and potential land use changes that would be enabled by the rezoning
23 are reasonable.
- 24 (g) ~~Suitability of land for development.~~
- 25 (h) ~~Prospects that~~ The development may will not cause unreasonable air or water pollution,
26 soil erosion, or adverse effects on valued natural areas.
- 27 (i) The soil productivity rating has been considered in the location of the area proposed for
28 rezoning.
- 29 (j) The remaining A-1 parcel shall front on a public road for a minimum distance of at
30 least sixty-six (66) feet. Access to the lot shall be provided within this frontage.
- 31 (k) The rezoning conversion fee is paid to the office of the Zoning Administrator, which
32 shall subsequently provide such fee to the Wisconsin Department of Agriculture, Trade
33 and Consumer Protection, all per the provisions of §91.48 of the Wisconsin Statutes.
34

1 AYES _____
2
3 NOES _____
4
5 ABSTAIN _____
6
7 ABSENT _____
8
9 VACANT _____
10

11
12 Ordinance Requested By
13 Planning and Zoning Committee
14
15
16 Deb Magritz _____
17